

Notice of Allowability

Application No.

10/767,743

Examiner

David C. Reese

Applicant(s)

BAUER, CHRISTIAN

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 20 February 2007.
2. ☒ The allowed claim(s) is/are 6-11, 13-17, 19, 20 and 28-34.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

THIS OFFICE ACTION IS IN RESPONSE TO APPLICANT'S AMENDMENT FILED 2/20/2007.

Status of Claims

- Claims 1-5, 12, 18, and 21-27 are canceled.
- Claims 31 and 33-34 were amended.
- Claims 6-11, 13-17, 19-20, and 28-34 are pending.

Claim Objections

[1] Applicant has addressed all objections to the Claims in the amendment filed 2/20/2007.

Accordingly, all objections to the disclosure have been withdrawn by the Examiner.

Response to Arguments

[2] Applicant's remarks filed 2/20/2007 regarding rejections under 35 U.S.C. 103 have been fully considered and are persuasive. Accordingly, the Examiner has withdrawn all previous rejections over Bennett in view of Kanie et al. (see reasons for allowance).

Allowable Subject Matter

[3] Claims 6-11, 13-17, 19-20, and 28-34 are allowed.

Reasons for Allowance

[4] The following is an examiner's statement of reasons for allowance. This application has been reviewed by the examiner and meets all formal and substantive (i.e., statutory) requirements and the language of the claims is enabled by, and finds adequate descriptive supported in the application disclosure as originally filed.

The primary reason for the allowance of the claims is the presence of limitations in the independent claims, which are not found in the prior art references. The examiner believes that the record of the prosecution as a whole makes clear his reasons for allowing a claim or claims.

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However, the examiner would like to point out one or more specific reasons and/or limitations that the prior art fails to disclose and/or make obvious. Hence, with regard to independent claim 6, the prior art fails to disclose of the shoulder confined between an outer edge of said shank and a first boundary line intersecting said outer edge at first and second points, and said outer surface section is confined between said first boundary line and a second boundary line that intersects the outer edge of said shank at a third point, and a spacing between said first and second boundary lines decreases as the second boundary line extends from the third point toward the first point.

As for independent claims 31 and 34, the prior art fails to disclose of the shoulder confined between an outer edge of said shank and a first boundary line intersecting said outer edge at first and second points, and said outer surface section is confined between said first boundary line and a second boundary line; the outer edge of said shank comprises first and second sections which are angled with respect to each other and intersect the first boundary line at said first and second points, respectively; the second boundary line intersects the second section at a third point; and a spacing between said first and second boundary lines decreases as the second boundary line extends from the third point toward the first point.

Though Bennett discloses a shoulder and outer surface similar to that of the instant claimed invention, Bennett fails to show or disclose the exact structural limitations of the shoulder and outer surface with respect to the boundary lines, points, and a decreasing spacing as stated in the independent claims above.

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Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee, and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

[5] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is (571) 272-7082. The examiner can normally be reached on 7:30 am-6:00 pm Monday-Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached at (571) 272-7075. The fax number for the organization where this application or proceeding is assigned is the following: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Reese
Assistant Examiner
Art Unit 3677

DCR


4/25/07


J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600